



- 1 -

CP241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Craig Heacock et al.

Serial No.: 10/616,776

Group Art Unit.: Not Yet Known

Filing Date: July 10, 2003

Examiner: Not Yet Known

For.: MODAFINIL PHARMACEUTICAL COMPOSITIONS

DATE OF DEPOSIT: October 15, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

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Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. § 1.56(b).

- 1a. In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above-identified application as set forth in § 1.491, or before the mailing date of a first Office Action on the merits of the above-identified application

whichever occurs last, no additional fee is required.

- b. In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first, therefore:
- Certification in accordance with § 1.97(e) is attached; or
- The fee of **\$180.00** as set forth in § 1.17 (p) is attached.
- The Commissioner is authorized to charge payment of the fee of **\$180.00** as set forth in § 1.17(p) from Deposit Account No. 03-1195.
- c. In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the period specified in § 1.97(d) but on or before the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of **\$130.00** as set forth in § 1.17(i)(1).
- d. In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with the first or second after final rejection, therefore:
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- The fee of **\$180.00** as set forth in § 1.17 (p) is attached.
- The Commissioner is authorized to charge payment of the fee of **\$180.00** as set forth in § 1.17(p) from Deposit Account No. 03-1195.
- 2a. Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith, with the exception of the U.S. patents which are not required.
- b. Copies of references listed on the attached Form PTO/SB/08A are enclosed herewith, EXCEPT THAT:
- In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner,

copies are not enclosed herewith.

- In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO/SB/08A are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:
- Copies of references [list as appropriate] listed on the attached Form PTO/SB/08A were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

3a. All listed references are in the English language.

b. References **B1 and B2** are not in the English language and enclosed are:

_____ an English translation

X English language abstracts

_____ a concise explanation of its relevance

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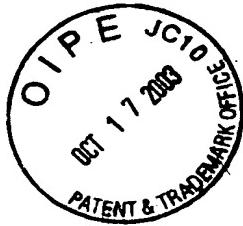
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Date: October 15, 2003

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PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/616,776
Filing Date	July 10, 2003
First Named Inventor	Craig Heacock
Art Unit	Not Yet Known
Examiner Name	Not Yet Known

Attorney Docket Number CP241

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
A1		US- RE37,516 E	01-15-2002	Grebow et al.	
A2		US- 4,177,290	12-04-1979	Lafon	
A3		US- 4,927,855	05-22-1990	Lafon	
A4		US- 5,180,745	01-19-1993	Lafon	
A5		US- 5,391,576	02-21-1995	Lafon, deceased	
A6		US- 5,612,379	03-18-1997	Laurent	
A7		US- 5,719,168	02-17-1998	Laurent	
A8		US- 5,843,347	12-01-1998	Nguyen et al.	
A9		US- 6,346,548 B1	12-12-2002	Miller et al.	
A10		US- 6,455,588 B1	09-24-2002	Scammell et al.	
A11		US- 6,462,089 B1	10-08-2002	Battaglia et al.	
A12		US- 6,488,164 B2	12-03-2002	Miller et al.	
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
B1		EP 547 952 B1	09-06-1995	Lafon		
B2		EP 594 507 A1	04/27/94	Laurent		
B3		WO 02/096401 A1	12-05-2002	Corvari et al.		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/616,776
Sheet	2	of	2	Filing Date	July 10, 2003
				First Named Inventor	Craig Heacock
				Art Unit	Not Yet Known
				Examiner Name	Not Yet Known
				Attorney Docket Number	CP241

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	①	Duteil et al., European Journal of Pharmacology, 1990, 180, 49-58		
	②	Saletu B. et al., Int. J. Clin Pharm. Res., 1989, IX(3), 183-195		
	③	Bastuji et al., Prog. Neuro-Psychopharmacol & Biol. Psychiat., 1988, 12, 695-700		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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